

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ELLEN R. LEVY GRAY and SCOTT :  
W. GRAY, :  
Plaintiff :

v. :

RITE AID CORPORATION, :  
Defendant :

...o0o...

CIV. NO. AMD 02-636

FILED ENTERED  
LODGED RECEIVED

MAR 29 2002

ORDER

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

Defendant Rite Aid Corporation's motion to reconsider the remand of this case to state court has been read and considered. As Rite Aid now points out, plaintiffs made a convoluted argument in opposition to the motion to dismiss the retail pharmacy as a defendant while the case was in state court. Apparently, plaintiffs argued in their supplemental state court memorandum that the burden was on Rite Aid to *disprove* the capacity of one of the Rite Aid pharmacies to be sued. Such a manifest misstatement of the law amounts to no opposition at all. Accordingly, it is this 29<sup>th</sup> day of March, 2002, by the United States District Court for the District of Maryland, ORDERED

- (1) That the motion for reconsideration is DENIED; and it is further ORDERED
- (2) That the Clerk shall TRANSMIT a copy of this order to counsel.



ANDRE M. DAVIS  
United States District Judge

